

Remarks

Claims 1, 3-7, 11 and 17 are currently pending in the Application and Claim 11 is canceled herein without prejudice.

Summary of claim amendments

This response amends Claim 1 to recite features of Claim 11 and cancels Claim 11 without prejudice.

35 U.S.C. §103(a) rejection

Claims 1, 4-7, 11 and 17 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Wehrmeyer (U.S. Patent No. 3,908,659). Claim 3 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Wehrmeyer and further in view of Fitzgerald (U.S. Patent No. 4,435,178).

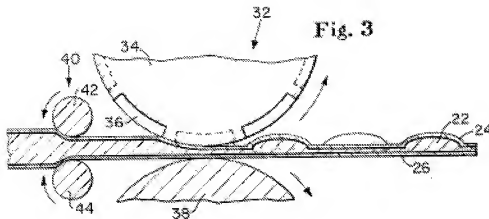
Applicants submit that the Examiner has not established a prima facie case of obviousness for the claims rejected under 35 U.S.C. §103(a) because Wehrmeyer does not teach each and every element as recited in the present claims.

Claim 1

A. Applicants further submit that Wehrmeyer does not disclose, suggest or teach, *inter alia*, the following features recited by amended Claim 1 of the present application:

“said **absorbent** includes an upper layer and a lower layer” (emphasis added)

Referring to Wehrmeyer's Figure 3 reproduced below, the Examiner asserts that the "upper layer" as recited in Claim 1 is disclosed by Wehrmeyer's layer "24" (p. 4, fourth line from the bottom of the final Office Action). The Examiner further asserts that Wehrmeyer's layer "26" discloses "the lower layer" as recited in Claim 1 (p. 4, fourth line from the bottom of the final Office Action). Applicants respectfully traverse the Examiner's assertion.



According to Wehrmeyer, layers 24 and 26 are tissue papers (c. 5, ll. 4-5 of the Wehrmeyer). Contrary to Wehrmeyer, the "upper layer" and the "lower layer" recited in Claim 1 are "absorbent" material, not tissue as recited in Wehrmeyer. Why does the Examiner believe that tissue papers 24 and 26 are absorbents like the "upper layer" and the "lower layer" recited in Claim 1?

Furthermore, Wehrmeyer tissue layers 24 and 26 form an envelope around absorbent 22 (c. 5, l. 25 of the Wehrmeyer). Contrary to Wehrmeyer, the "upper layer" and the "lower layer" recited in Claim 1 are not connected to each other and are unable to form an envelope.

Because layers 24 and 26 are **tissue** papers that form an **envelope**, Wehrmeyer does not teach, disclose or suggest "said **absorbent** includes an upper layer and a lower layer"

(emphasis added) as recited in Claim 1. Hence, Claim 1 is patentable over Wehrmeyer and should be allowed by the Examiner.

B. Applicants further submit that Wehrmeyer does not disclose, suggest or teach, *inter alia*, the following features recited by Claim 1 of the present application:

“wherein said absorbent has relations of $B > C > A$, when said upper layer has a density A, a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer ... has a density C” (emphasis added)

Referring to Wehrmeyer’s Figure 3, reproduced above, the Examiner asserts that the “upper layer” as recited in Claim 18 is disclosed by Wehrmeyer’s layer “24” (p. 4, fourth line from the bottom of the final Office Action). The Examiner further asserts that Wehrmeyer’s layer “26” discloses “the lower layer” as recited in Claim 18 (p. 4, fourth line from the bottom of the final Office Action). Applicants respectfully traverse the Examiner’s assertion.

Applicants respectfully request that the Examiner comply with 37 C.F.R. §1.104(c)(2) by designating “as nearly as practicable” where Wehrmeyer teaches that layer 26’s density varies along the width/length of the layer 26. Because layer 26’s density is constant, Wehrmeyer does not teach, disclose or suggest “a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer ... has a density C” as recited in new Claim 1. Hence, Claim 1 is patentable over Wehrmeyer and should be allowed by the Examiner.

Claims 3-7 and 17

Claims 3-7 and 17, at least based on their dependency on amended Claim 1, are also believed to be patentable over Wehrmeyer.

New Claim 18

A. Applicants further submit that Wehrmeyer does not disclose, suggest or teach, *inter alia*, the following features recited by new Claim 18 of the present application:

“wherein said lower layer has a width and a length and said upper layer has a width and a length; wherein the width of said lower layer is **greater** than the width of said upper layer” (emphasis added)

Referring to Wehrmeyer’s Figure 3, reproduced above, the Examiner asserts that the “upper layer” as recited in Claim 18 is disclosed by Wehrmeyer’s layer “24” (p. 4, fourth line from the bottom of the final Office Action). The Examiner further asserts that Wehrmeyer’s layer “26” disclose “the lower layer” as recited in Claim 18 (p. 4, fourth line from the bottom of the final Office Action). Applicants respectfully traverse the Examiner’s assertion.

Wehrmeyer’s Figure 3, reproduced above, clearly shows that layers 24 and 26 are of the same width. Because layers 24 and 26 are of the same width, Wehrmeyer does not teach, disclose or suggest “wherein the width of said lower layer is **greater** than the width of said upper layer” (emphasis added) as recited in new Claim 18. Hence, Claim 18 is patentable over Wehrmeyer and should be allowed by the Examiner.

B. Applicants further submit that Wehrmeyer does not disclose, suggest or teach, *inter alia*, the following features recited by new Claim 18 of the present application:

“wherein said absorbent has relations of $B > C > A$, when said upper layer has a density A, **a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer has a density C**” (emphasis added)

Referring to Wehrmeyer’s Figure 3, reproduced above, the Examiner asserts that the “upper layer” as recited in Claim 18 is disclosed by Wehrmeyer’s layer “24” (p. 4, fourth line from the bottom of the final Office Action). The Examiner further asserts that Wehrmeyer’s layer “26” disclose “the lower layer” as recited in Claim 18 (p. 4, fourth line from the bottom of the final Office Action). Applicants respectfully traverse the Examiner’s assertion.

Applicants respectfully request that the Examiner comply with 37 C.F.R. §1.104(c)(2) by designating “as nearly as practicable” where Wehrmeyer teaches that layer 26’s density varies along the width/length of the layer 26. Because layer 26’s density is constant, Wehrmeyer does not teach, disclose or suggest “a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer has a density C” as recited in new Claim 18. Hence, Claim 18 is patentable over Wehrmeyer and should be allowed by the Examiner.

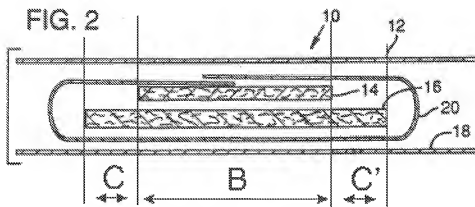
New Claim 19

A. Applicants submit that, at least for the reasons stated above for Claim 18, Wehrmeyer does not teach, disclose or suggest “wherein said lower layer has a width and a length and said upper layer has a width and a length; wherein the width of said lower layer is **greater** than the width of said upper layer” (emphasis added) as recited in new Claim 19.

B. Applicants submit that, at least for the reasons stated above for Claim 18, Wehrmeyer does not teach, disclose or suggest “a portion of **said lower layer** that underlies the upper layer **has a density B**, and the remaining portion of said lower layer **has a density C**” (emphasis added) as recited in new Claim 19.

C. If the Examiner attempts to use Young (U.S. Patent No. 5,188,624) against new Claim 19, Applicants submit that Young does not disclose, suggest or teach, *inter alia*, the following features recited by new Claim 19 of the present application:

“wherein said absorbent has relations of $B > A$ and $B > C$, when said upper layer has a density A, **a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer has a density C**” (emphasis added)



According to Young's Figure 2 reproduced above, layer "16" can have a density in the range of 0.05 grams/cm³ to 0.15 grams/cm³ (c. 7, II. 59-61 of Young). However, Young does not teach that layer "16's" density varies along the length or the width of the layer "16." That is, Young does not teach that a portion of the layer "16" that underlies the layer "14," marked by reference letter "B" added for clarity, has a density that is higher than a density of the remaining portion of the layer "16," marked by either reference letter "C" or "C'" added for clarity. If the Examiner does not agree with Applicants interpretation of Young, the Examiner is requested to comply with 37 C.F.R. §1.104(c)(2) by designating "as nearly as practicable" where Young teaches that layer "16's" density varies along the length or the width of the layer "16."

Because Young's layer "16" has a uniform density through out, Young does not teach, disclose or suggest "a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer has a density C" as recited in new Claim 19. Hence, Claim 18 is also patentable over Young.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this document is being transmitted to the Patent and Trademark Office via electronic filing.

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Respectfully submitted,

/Alexander Krayner 60,854/

Alexander Krayner
Attorney for Applicants
Reg. No. 60,854
LADAS & PARRY LLP
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036
(323) 934-2300